



King County Board of Ethics  
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## **KING COUNTY BOARD OF ETHICS MEETING NOTICE**

**When:** Tuesday, February 20, 2001, at 4:30 p.m.

**Where:** Bank of California Building  
900 Fourth Avenue, 4<sup>th</sup> Avenue and Marion Street, Seattle  
5<sup>th</sup> floor conference room (NORTHWEST corner of building)

### **AGENDA**

1. ***Approval of Agenda***
2. ***Approval of Meeting Minutes of January 16, 2001.***
3. ***Meeting with Executive on January 30, 2001.*** Report by Chair Price Spratlen.
4. ***Filing of Orders and Decisions Under the Code of Ethics.*** Continued review and discussion.
5. ***Post Employment Provision Under the Code of Ethics.*** Continued review and discussion.
6. ***Executive Session.***

cc: Ron Sims, King County Executive  
King County Councilmembers  
Duncan Fowler, Director—Ombudsman, Office of Citizen Complaints  
Sheryl V. Whitney, Director, DIAS  
James J. Buck, Deputy Director, DIAS  
Carl A. Johansen, Senior Deputy Prosecuting Attorney  
Donald Porter, Senior Deputy Prosecuting Attorney  
Robert Bruce, Manager, Records and Elections Division, Department of Information and Administrative Services

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are available by calling (206) 296-1586 or TTY 1-800-833-6388.  
**ALTERNATE FORMATS AVAILABLE**

### **Minutes of the February 20, 2001 Meeting of the King County Board of Ethics**

The February 20, 2001 meeting of the King County Board of Ethics was called to order by Chair Price Spratlen at 4:30 p.m. Board members in attendance were:

Lois Price Spratlen, Ph.D., Chair  
Margaret T. Gordon, Ph.D.  
Lembhard G. Howell, Esq.  
Rev. Paul F. Pruitt  
Mr. Roland H. Carlson was excused

Others in attendance:

Ms. Catherine A. Clemens, Administrator  
Mr. Carl A. Johansen, Senior Deputy Prosecuting Attorney  
Mr. Donald J. Porter, Senior Deputy Prosecuting Attorney  
Mr. Duncan Fowler, Ombudsman—Office of Citizen Complaints

1. *Proposed Agenda.* Chair Price Spratlen requested the addition of an executive session as the last agenda item for the purpose of reviewing the performance of a public employee. With that addition, Mr. Howell moved and Dr. Gordon seconded that the board approve the proposed agenda. The board unanimously adopted the motion.

Chair Price Spratlen asked for introductions from those present. Rev. Pruitt arrived at 4:32 p.m.

2. *Approval of Meeting Minutes of January 16, 2001.* With minor corrections, Mr. Howell moved and Rev. Pruitt seconded that the board unanimously approve the January 16, 2001 meeting minutes. The board unanimously adopted the motion.

3. *Meeting with the Executive on January 30, 2001.* Chair Price Spratlen briefed the board on the meeting with the executive. Those attending were Chair Price Spratlen, Rev. Pruitt, Mr. Buck, Deputy Director, DIAS and Executive Sims. Dr. Price Spratlen stated that the meeting lasted for over one hour and was worthwhile. They discussed the following: 1) Financial Disclosure Program. Last year's financial disclosure program achieved 100% compliance with the filing requirement and they asked that the executive send a supporting letter this year to department heads encouraging timely filing. Ms. Clemens stated that she drafted such a letter and forwarded a copy to Ms. Whitney, Director, DIAS, on February 13<sup>th</sup> for transmittal to the executive; 2) Training and Education. They thanked the executive for making ethics training mandatory for supervisors; 3) Post Employment Notification. They alerted the executive to a proposed draft amendment to the post employment provision under the Code of Ethics and that the draft should reach his office in late spring. Executive Sims acknowledged the excellent work by Mr. Johansen; 4) Annual Board Reception. The reception is planned for May and the executive promised to see that members of his staff will attend; 4) Reimbursement Policy for Board Members. Executive Sims stated there will be no change in the reimbursement policy for mileage and parking. He encouraged members to use the free parking spaces in the county garage located at 5<sup>th</sup> and Jefferson since no spaces in the Bank of California Building will be purchased by the county; if members have safety concerns, they are welcome to request a county escort to and from the garage and meeting locations.

4. *Filing of Orders and Decisions Under the Code of Ethics.* Mr. Johansen briefed the board and explained that this agenda item and associated materials were carried over from the October 2000 meeting. First, the revisions include replacing Records and Elections Division with the Board of Ethics for filing certain documents, including copies of findings of reasonable cause to believe violations of the Code of Ethics occurred. Records and Elections management supports this change. Mr. Howell asked if this change would place an undue burden on the ethics office. Ms. Clemens said 'no'. Mr. Johansen stated that complaints alleging a violation of any provisions of the Code of Ethics would still be filed with the Ombudsman. Mr. Howell asked about the number of ethics complaints filed and number of findings of violations. The board agreed to invite Mr. Fowler to a future meeting to talk about the Office of Citizen Complaints.

Second, the amendment includes revising the requirements on the Ombudsman for providing copies of findings of reasonable cause to believe violations of the Code of Ethics occurred. Currently, the Ombudsman must file such findings with Records and Elections, which results in the Ombudsman's findings becoming available to the public before the period to request an appeal hearing has run. Under the proposed changes, the Ombudsman's findings would not become final, and thus public, until after the investigation and administrative appeal process had been completed. This proposed change is consistent with the usual procedures followed by the county in investigating allegations of wrongful performance by employees. The board reviewed the draft changes. After some discussion, Mr. Howell moved to replace "highest ranking supervisor of the respondent" with "respondent's appointing authority" where ever it appeared in the draft. Dr. Gordon seconded the motion and the motion passed unanimously.

Upon further review, the board asked why KCC 3.04.055 H requires the Ombudsman to provide to the Prosecuting Attorney's Office a copy of a finding of reasonable cause to believe an employee violated the ethics code before the appeal period has ended. Mr. Johansen stated that he believed, based on a previous conversation, Mr. Fowler wished that language removed. Mr. Johansen agreed to investigate the issue and report back at the next meeting. Mr. Howell moved that counsel make appropriate changes in the ordinance format, confer with the prosecuting attorney's office, and return to the March meeting with the final draft for review and acceptance. Rev. Pruitt seconded the motion and the motion passed unanimously.

5. *Post Employment Provision Under the Code of Ethics.* Mr. Johansen briefed the board.

Mr. Fowler arrived at 5:13 p.m.

Dr. Gordon stated that she appreciated the clear language drafted by Mr. Johansen and board members agreed. Chair Price Spratlen commented that the board could do this in other areas of the code.

At this point, Mr. Howell discussed with Mr. Fowler, the Ombudsman, the penalty section under KCC 3.04.060. He was specifically interested to know the difference between willful and negligent acts and if those acts would be considered criminal in nature. Following general discussion, Chair Price Spratlen stated that this issue is one the board had agreed to review next in its systematic review of the code and that we would now move forward with the meeting. The board continued review of the draft amendment, approving sections A, C, D, E, F, G, H, and I. At section H, Mr. Fowler asked if an employee could come back to the county and serve as a volunteer? Mr. Johansen stated 'yes,' he or she would be able to do so. Dr. Gordon requested that Mr. Johansen redraft section B related to former members of county boards and commissions to avoid referring to a "member of a person . . ." and the board agreed.

Mr. Fowler left the meeting at 5:58 p.m.

At this point, Chair Price Spratlen noted the time and the board agreed that the post employment provision draft be tabled for the next meeting.

6. *Executive Session.* At 6:03 p.m. Chair Price Spratlen requested that the meeting move into executive session for the purpose of discussing the performance of a public employee. The Chair announced that the executive session would involve only members of the board and would conclude in about five minutes.

At 6:10 p.m., the board completed the executive session and resumed its regular meeting.

Rev. Pruitt moved and Dr. Gordon seconded a motion to adjourn the meeting. The board unanimously approved the motion and the meeting was adjourned at 6:11 p.m.

Approved this 19<sup>th</sup> day of March, 2001, by the King County Board of Ethics.

Signed for the Board: \_\_\_\_\_  
Dr. Lois Price Spratlen, Chair